

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1338 – SB 1303

March 20, 2017

SUMMARY OF ORIGINAL BILL: Requires any person seeking an initial renewal or restoration of a certificate of registration as a barber, master barber, barber technician, cosmetologist, manicurist, aesthetician, or natural hair stylist to successfully complete a one-hour course on domestic violence and sexual assault awareness education, including denying signs of domestic abuses, as prescribed by the Board of Cosmetology and Barber Examiners (BCBE).

Requires any person seeking a certificate of registration through reciprocity to complete such course within 30 days after the applicant receives a certificate of registration. Any person who fails to complete the one-hour course shall have their registration invalidated. Any person who continues to perform professional services as a barber, master barber, or barber technician without completing the one-hour course shall be subject to a penalty fee, in addition to any other penalty as determined by the BCBE.

Establishes that any barber, master barber, technician, or employer of any such professional is not civilly or criminally liable for acting in good faith or failing to act on information obtained during the course of employment concerning potential domestic violence or sexual assault. For purposes of promulgating rules, this bill shall take effect upon becoming law. For all other purposes, this bill shall take effect on January 1, 2018.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005154): Deletes all language after the enacting clause. Requires the BCBE to develop instructional guidelines for one-hour domestic violence and sexual assault awareness continuing education courses, and to use such guidelines to approve courses and providers providing such courses. Authorizes a licensed instructor to apply such course toward the instructor's 16-hour continuing education requirement.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The TDCI reports that any additional training involving domestic violence and sexual assault can be provided to licensees utilizing the existing resources of the BCBE.
- The BCBE can ensure that registrants and licensees have taken the appropriate course utilizing existing staff during normal work hours.
- There will not be a significant decrease in the number of issued, renewed, or restored licenses by BCBE as a result of applicants failing to complete the required course.
- Pursuant to Tenn. Code Ann. § 4-29-121, all regulatory boards are required to be self-supporting over a two-year period.
- The BCBE had an annual surplus of \$394,499 in FY14-15, a deficit of \$163,666 in FY15-16, and a cumulative reserve balance of \$230,833 as of June 30, 2016.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- Requiring additional training on domestic violence and sexual assault for licensees of the BCBE will have no significant impact on commerce or jobs in Tennessee.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jdb